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REVIEWS

Hill, David Jayne. *World Organization.* Pp. ix, 214. New York: Columbia University Press, 1911.

The author of this book, distinguished in diplomacy and in scholarship alike, has put into it the conclusions drawn from his long and varied diplomatic experience and the fruits of his wide and deep research. His object was to state as concisely as was consistent with lucidity the origin and development of world organization, considered in its juristic sense, as affected by the nature of the modern state; and this object he has admirably fulfilled.

"World organization" he defines to be "the task of so uniting governments in the support of principles of justice as to apply them not only within the limits of the state, but also between states." Starting with the Roman imperial idea of the essential unity of mankind, he traces the rise of the modern state,—neither from some transcendental source, nor from any Cæsarian operation,—but from the nature and social needs of man. With such an origin, and developed by the pressure of the same necessities, the modern state has naturally become the embodiment and protagonist of jural law as the security for human rights; and in this capacity, it is the greatest of human institutions, and is entitled to the highest respect and perfect loyalty.

Because it is the protagonist of law, and for that reason only, the state has been equipped with armaments on land and sea; but, equipped with these and other powers, there is a real peril lest it should regard itself as superior to law and use its powers to act "as it sees fit." Its origin and growth, and its *raison d'être* alike, belie the theory that it may use its "sovereignty" both to command the obedience of its nationals to law, and to assert its supremacy above the law in its international relations.

The assumed "right" of absolutism, asserted by four or five hundred potentates some three centuries ago; Machiavelli's theory of absolutism; and Bodin's conception of sovereignty as identical with "majestas," that is, absolute and perpetual power: have all exerted their influence to place the state within the realm of might and outside the pale of right. Even in our own time, such writers as Ruemelin and Lord Lytton regard the state as having "no body to be kicked, and no soul to be damned," and as being therefore neither moral nor juristic.

But Althusius, brought face to face with the formation of the Dutch Republic, placed sovereignty within that sphere in which alone it can possibly exist in the modern state, the sphere of law. Another great Netherlander, Hugo Grotius, applied to the state the same juristic idea in the wider field of its international relations, and placed it upon the bed rock of "the dictates of right reason." This principle, feebly applied in the Peace of Westphalia, and supported by the innumerable disciples of Grotius in every civilized land and century since, has triumphed within the science of politics and is asserting itself more and more frequently and emphatically in the practice of national government and in international relations as well. As a corollary of the triumph of this conception of the state, true patriotism has come to be loyalty to the principles

of justice and equity, on which the whole authority of the state reposes; while even in the pursuits of national "interests," or in the protection of its citizens' foreign "interests," the state must maintain its juristic character, and its diplomatic agents must not be egged on to exaggerate "interests" into "rights."

In these days of "dollar diplomacy," it is truly a noble and a much-needed task to emphasize the fact that the most vital of "vital interests," consists in the maintenance of the state's juristic character; and that across the frontier there lives, not a "natural enemy," the legitimate object of fear and distrust, but another civilized people, with a jural consciousness as deep, as enlightened, and as anxious as our own.

Dr. Hill's sketch of the growth of the modern conception of the family of nations is both brilliant and eloquent. The influence on this growth of the Mediæval Church, of Suarez, Ayala, Gentilis and Locke, of the Peace of Westphalia and the Congresses of the Nineteenth Century, and, above all, of the two Hague Conferences, is succinctly estimated.

The past and present guarantees of the security of this international family, are considered under the heads of Equilibrium (or balance of power), Federation, Intervention, Neutralization, National Armaments, and Mutual Guarantees (or international jural relations). Equilibrium is dismissed as inadequate and unreliable. The great national benefits flowing from federation are emphasized; but universal federation is held to be impeded by political and other inequalities between most nations, and national independence is defended,—provided it be accompanied by qualifications for self-government,—as essential to national and world welfare. Intervention and supervision, on the part of the Great Powers, is held to be justifiable, provided it is accompanied by such guarantee of high purpose as the open door of trade. Neutralization is considered useful, but as applicable only to small and relatively unimportant states, or to territories liable to be brought into the sphere of rivalry for colonial expansion. National armaments are praised for their aid to progress in the past, and are regarded as a necessary evil in the present, but "overgrown armaments" are denounced as menacing to the future preservation of peace.

None of the above guarantees is regarded as adequate to present international relations, and a jural guarantee, or the judicial organization of peace, is sustained by a strong and persuasive argument. The modern state is shown to be, not only peculiarly adapted to enter into international juristic relations,—because it is the embodiment of law and founded upon it,—but also because the *raison d'être* of its existence is the promotion of civilization, which requires that force everywhere shall be subordinated to justice. The first Hague Conference brought the nations to agree to a series of checks upon their methods of warfare; while the second Hague Conference marked the defeat of the theory that sovereign states are arbitrary entities governed in their relations with each other by no authoritative maxims of law, and the triumph of the principle that the state is a justiciable person. The fallacies of "absolute sovereignty" and the "right of war" as applied to the modern state, are opposed by the subordination of the state to judicial principles, and the inviolability of the innocent person and the innocent state alike.

The extent to which the "right of war" has been denied and the "duty of

law" asserted is seen by the adoption of the Porter Proposition and the progress made in the growth of arbitration and in the activities of arbitral tribunals. But the keystone of the nearly completed arch of justice is still wanting; this, Dr. Hill believes, is a mutual guarantee on the part of sovereign states that they will not resort to force against one another, so long as the resources of justice contained in the Hague Conventions have not been exhausted. The establishment of the Court of Arbitral Justice and the prerequisite codification of international law would seem to others the *sine qua non* of permanent peace; while President Taft is seeking it through the development of an international grand jury which shall bring disputants, *volens volens*, into court.

The final impression left by this stimulating treatise is that its optimism as to future international relations is well founded upon the recent enormous extension of international trade and the development of law in the modern state, both of which have greatly facilitated the mutual understanding, and promoted the mutual obligations, of the nations.

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Hinsdale, Mary L. *A History of the President's Cabinet.* Pp. ix, 355. Ann Arbor: University of Michigan, 1911.

After a brief introduction on The Origin of the Cabinet, the major portion of this volume consists of successive accounts of the cabinets of each President, in historical order from Washington to Taft. Though in each administration most space is ordinarily devoted to details surrounding appointments and changes of departmental heads, more significant discussion is introduced where opportunity is discovered for remarking some distinctive change or tendency with respect to the general position of the cabinet in government, its relation to the President, to Congress, or to party politics. These sketches cover an average of six or eight pages each, unimportant cabinets, such as those of Van Buren and Benjamin Harrison, being disposed of in two or three pages, while from fifteen to twenty pages are given to the more eventful cabinet histories of such administrations as those of Jackson and Lincoln.

Following this detailed history, three brief sections embody the author's conclusions on The Principles of Cabinet Making, The Cabinet and Congress, and The Cabinet and the President. This recapitulation appears most effectively under the second topic, where the various formal and informal methods of approach that have grown up between Congress and the Cabinet are sketched clearly and interestingly.

The author seems to have been careful in all particulars, covering the pertinent facts accurately, and manifesting close acquaintance with original and secondary sources. The work for the most part holds closely to the facts, and is dominated by no main hypotheses. Not much of synthetic imagination is employed in the treatment. There is very little of relation to general principles of government or to historical antecedents of our cabinet. Only subordinate reference is made to the political needs that have made the cabinet a natural, if not inevitable, product of custom. The author seems to be concerned with the practices affecting the cabinet rather than with principles and ten-